

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES	:	
	:	Case No. 1:20-CR-100
v.	:	
	:	
FELICIA DONALD	:	
	:	
Defendant	:	

MOTION FOR DISCOVERY OF
CO-DEFENDANTS' PRESENTENCE REPORTS'

COMES NOW, Felicia Donald, by and through counsel, and requests that this Court enter an order authorizing the limited disclosure to her counsel of the co-defendants' pre-sentence reports and financial information but omitting such things as part C. Offender Characteristics, but including Substance Abuse history and Financial Condition as well as part D. Sentencing Options and part E. relating to Departures. This information is necessary for defense counsel to prepare their case for their client. The information is relevant and material to the preparation of the defense on such issues, by way of example only, as relative culpability, role in the offense, and other Guideline adjustments, as well as for consideration of factors under 18 U.S.C. §3553. Both the prosecution and this Court have ready access to this information and it will not be ignored by either in future proceedings. The defense merely wants equal access. This is not an attempt to invade the privacy or personal lives of the co-defendants; rather, it

is to obtain case specific information, including any statements they may have presented as to their version of events.

As the Supreme Court observed many years ago in *Dennis v. United States*, 384 U.S. 855, 870 (1966), in our adversary system, it is rarely justifiable for the prosecution to have exclusive access to a storehouse of relevant facts, “disclosure, rather than suppression, of relevant material ordinarily promotes the proper administration of criminal justice.” Some years after *Dennis*, the Supreme Court decided *Williams v. Florida*, 399 U.S. 78, 82 (1970), where it stated the principle which remains the core of discovery today, i.e., our adversary system is hardly an end to itself; it is not a game where cards are concealed until they are played.

WHEREFORE, in consideration of these premises and such other matters as may become evident at a hearing hereon, which hearing is hereby requested, this Court is asked to grant this motion and any such other relief as in the case is deemed just.

FELICIA DONALD
By Counsel

Counsel for the Defendant:

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, sending a notification of such filing to Assistant US Attorney Raj Parekh.

/S/
MARVIN D. MILLER